

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Envirotech Environmental Services, Inc.

Petition No. 20000616-053-032

CONSENT ORDER

WHEREAS, Envirotech Environmental Services, Inc. of Stamford, CT (hereinafter "respondent") has been issued license number 000022 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended. Said license number was previously held by Homeguard Environmental, Inc., a company affiliated with respondent; and,

WHEREAS, the Department alleges that:

1. In or about March 2000, respondent was the licensed asbestos contractor for an asbestos abatement project at 15 Deer Park Meadow Road, Greenwich, CT (hereinafter "the Deer Park property"). Said project involved the removal of approximately 224 square feet of asbestos containing pipe insulation in the basement of the residence on the Deer Park property.
2. On or about March 28, 2000, in connection with the asbestos abatement project at the Deer Park property, respondent failed to cover all floor and wall surfaces in the work area with at least two layers of polyethylene sheeting or the equivalent in that no polyethylene sheeting had been installed in the crawl space portion of the basement work area.
3. In or about April 2000, respondent was the licensed asbestos contractor for an asbestos abatement project at 39 Clapboard Ridge Road, Greenwich, CT (hereinafter "the

Clapboard Ridge property”). Said project involved the aggregate removal of approximately 62 square feet of asbestos containing pipe insulation from the basement, attic and a second floor closet of the residence on Clapboard Ridge property.

4. On or about April 3, 2000, in connection with the asbestos abatement project at the Clapboard Ridge property, respondent:
 - a. failed to construct a worker decontamination system abutting each work area;
 - b. failed to ensure that the worker decontamination system was equipped with a working supply of warm water and with waste water filtration system;
 - c. failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing;
 - d. failed to ensure that no person leave the work area unless first decontaminated by showering, wet washing or high efficiency particulate air (HEPA) vacuuming to remove all asbestos debris;
 - e. failed to cover all floor and wall surfaces in the attic work area with at least two layers of polyethylene sheeting or the equivalent; and
 - f. failed to lock out and isolate a ventilation duct within the attic work area to prevent contamination of and fiber dispersal to other areas of the building.
5. In or about April 2000, respondent was the licensed asbestos contractor for an asbestos abatement project at 3 Coach Lane, Westport, CT (hereinafter “the Westport property”). Said project involved the removal of approximately 950 square feet of asbestos containing pipe insulation and approximately 950 square feet of asbestos containing floor tile in the basement of a residence on the Westport property.
6. On or about April 5, 2000, in connection with the asbestos abatement project at the Westport property, respondent:

- a. failed to cover all floor and wall surfaces in the work area with at least two layers of polyethylene sheeting or the equivalent in that no polyethylene sheeting had been installed in the crawl space portion of the basement work area;
 - b. failed to ensure that all openings between the work area and the non-work areas were sealed airtight with six mil polyethylene sheeting in that critical barriers were not installed over some of the basement windows and the wall polyethylene sheeting was loose in some areas along the ceiling level;
 - c. failed to remove all moveable objects from the work area; and
 - d. failed to cover all non-moveable objects within the work area with a minimum of six mil polyethylene sheeting secured in place in that a furnace and water tank were not covered.
7. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§ 19a-332 and 19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-5(b), 19a-332a-5(c), 19a-332a-5(d), 19a-332a-5(e), 19a-332a-5(f), 19a-332a-6, 20-440-1 and 20-440-6(b) of the Regulations of Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.

2. Respondent's license number 000022 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of three-thousand seven-hundred and fifty dollars (\$3,750.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Department.
7. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which its compliance with this Consent Order or with Chapters 400a or 368l of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

10. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.

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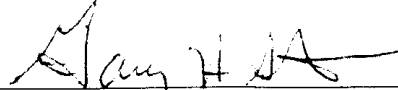
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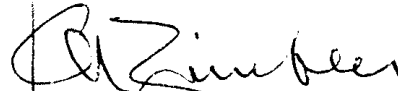
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I, Gary H. Stone, President of Envirotech Environmental Services, Inc., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said corporation. I hereby stipulate and agree to bind Envirotech Environmental Services, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



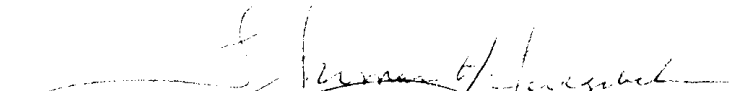
Gary H. Stone, President

Subscribed and sworn to before me this 25th day of OCTOBER 2000.



Notary Public or person authorized
by law to administer an oath
 KURT A. ZIMBLER
JUSTICE OF THE PEACE
16 BOUTON STREET EAST, #18
STAMFORD, CONNECTICUT 06907

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 25th day of October 2000, it is hereby accepted.



Thomas H. Furgalack, Director
Division of Environmental Health

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